

Message Text

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PAGE 01 ABIDJA 00890 281759Z

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TAGS: SHUM, IV

SUBJ: HUMAN RIGHTS IN DEVELOPMENT ASSISTANCE RECIPIENT

COUNTRIES: IVORY COAST

REF: (A) STATE 014518, (B) 76 ABIDJAN A-34 AND PREVIOUS

1. THIS CABLE RESPONDS TO THE HUMAN RIGHTS QUESTIONS CONTAINED
REFTEL WITH RESPECT TO IVORY COAST, ALTHOUGH IVORY COAST IS NOT
RPT NOT A DEVELOPMENT ASSISTANCE RECIPIENT COUNTRY.

A. IVORY COAST IS HEADED BY A CONSTITUTIONAL GOVERNMENT,
AND THE STRUCTURES OF THE REPUBLIC ARE PATTERNED IN LARGE PART
AFTER THOSE OF FRANCE, THE FORMER COLONIAL POWER. ELECTIONS FOR
PRESIDENT AND THE 120-MEMBER NATIONAL ASSEMBLY ARE HELD EVERY
FIVE YEARS WITH FELIX HOUPHOUET BOIGNY THE COUNTRY'S PRESIDENT
SINCE INDEPENDENCE RE-ELECTED FOR THE 1975-80 TERM. THE COUNTRY
HAS ONE POLITICAL PARTY (PDCI/RDA). ALTHOUGH OPPOSITION PO-
LITICAL PARTIES ARE NOT RPT NOT ILLEGAL, THE WOULD BE EFFECTIVELY
IMPOSSIBLE TO FORM UNDER PRESENT CONDITIONS SINCE THE
PREVAILING AND ACCEPTED PHILOSOPHY IS THAT THE UNITY AND
DEVELOPMENT OF THE COUNTRY ARE BEST PROMOTED WITHIN A ONE-
PARTY SYSTEM.

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B. IVORY COAST HAS A JUDICIAL SYSTEM SEPARATED FROM THE
EXECUTIVE BRANCH AND CULMINATING IN A SUPREME COURT. THE
INDEPENDENCE OF THE JUDICIARY IS GENERALLY RESPECTED ALTHOUGH
IN REAL POLITICAL TERMS THE PRIMACY OF THE PRESIDENCY IS
UNQUESTIONED. HUMAN RIGHTS ARE GUARANTEED BY
THE COUNTRY'S
1960 CONSTITUTION, WHICH EXPLICITLY PROCLAIMS ADHERENCE TO

AND GUARANTEE OF FUNDAMENTAL HUMAN RIGHTS AS THESE ARE SET FORTH
IN THE (FRENCH) DECLARATION OF THE RIGHTS OF MAN OF 1789,
AND OF THE (UN) UNIVERSAL DECLARATION OF HUMAN RIGHTS OF
1948. IVORY COAST HAS A GOOD RECORD OF OBSERVANCE OF THESE
CONSTITUTIONAL GUARANTEES. THERE ARE NO EMERGENCY MEASURES IN
EFFECT IN IVORY COAST, NOR ARE THERE ANY CASES KNOWN OF
POLITICAL PRISONERS.

C. IN ACTUAL OBSERVANCE AS WELL AS THE OFFICIAL ATTITUDE AND
WRITTEN LEGAL GUARANTEES REFERRED TO ABOVE, IVORY COAST HAS A
REPUTATION THOUGHOUT WEST AFRICA AND ELSEWHERE AS A MODERATE
AND PROGRESSIVE STATE WHERE BASIC HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS ARE RESPECTED. ALTHOUGH CAPITAL PUNISHMENT EXISTS UNDER
THE LAW, THERE HAS NOT BEEN AN EXECUTION CARRIED OUT SINCE
INDEPENDENCE IN 1960 AND PRESIDENT HOUPHOUET BOIGNY HAS SAID
HE WILL NEVER BE THE FIRST TO SHED IVORIAN BLOOD. INSTANCES OF
TORTURE ARE UNKNOWN TO THIS EMBASSY. THE RIGHTS OF THE INDIVIDUAL
WITH RESPECT TO DETENTION, ARREST AND TRIAL ARE SPELLED OUT
IN THE PENAL CODE WHICH PROVIDES FOR EXAMPLE UNDER ARTICLE 63
THAT A PERSON DETAINED BY THE POLICE MUST BE BROUGHT BEFORE A
PROSECUTOR OR JUDGE WITHIN 48 HOURS. AT THE SAME TIME THE COUNTRY'S
LEADERS PLACE A HIGH PREMIUM ON POLITICAL ORDER AND STABILITY
AS A PRE-CONDITION FOR CONTINUED ECONOMIC DEVELOPMENT. PHYSICAL
CONTROL INCLUDING SOME HARASSMENT AND ROUGH HANDLING IS NOT
INFREQUENT FOR LOWER-LEVEL IVORIANS AND PARTICULARLY FOR THE
FOREIGN AFRICANS WHO HAVE FLOCKED TO IVORY COAST TO FIND WORK
(ESTIMATED AT MORE THAN 1 MILLION). THE GOVERNMENT WILLINGNESS
TO TAKE A FIRM HAND WITH DISORDER WAS AGAIN DEMONSTRATED RECENTLY
DURING THE STUDENT STRIKES WHEN THE GOIC ROUNDED UP 1500-
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2500 STUDENTS FOR DETENTION RANGING FROM SEVERAL HOURS TO SEVERAL
DAYS. ON BALANCE HOWEVER THE IVORY COAST RECORD OF OBSERVANCE
OF BASIC HUMAN RIGHTS AND FREEDOMS IS ONE OF THE BEST IN AFRICA.
THERE IS CLEARLY NO RPT NO "CONSISTENT PATTERN OF GROSS VIO-
LATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS" AS DESCRIBED
IN THE FOREIGN ASSISTANCE ACT.

D. NONE KNOWN AVAILABLE.
STEARN

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